IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No.351 of 2006

1. Mohatsin S/o Shaukat
2. Shaukat S/o Gulab
All R/o Village Mustafabad
Police Station – Jwalapur
District - Haridwar .....Applicants

Versus

1. State of Uttaranchal

2. Chief Judicial Magistrate Haridwar
District – Haridwar

3. Abdul Hasan S/o Ibramim
R/o Village Bharapur
Police Station Kotwali Jwalapur
District - Haridwar .....Respondents

Sri Navneet Kaushik, learned counsel for the applicants.
Sri Amit Bhatt, learned A.G.A. for the State

Hon'ble J.C.S.Rawat, J.

This petition u/s 482 Cr.P.C. has been filed for quash the Chargesheet dated 25.02.2006 and summoning order dated 28.04.2006 u/s 498A, 323 I.P.C. and ¾ Dowry Prohibition Act in Case No. 2000 of 2006.

Brief facts for the disposal of this petition are that an F.I.R. was registered by the respondent No. 3 alleging therein that marriage of his daughter was solemnized as per the Muslim rites with the applicant No. 1. At the time of the marriage the complainant had given dowry to the best of his ability but the applicants were not satisfied with the dowry and started to harass his daughter for demand of dowry. It is also alleged that the applicants had also physically assaulted the daughter of the complainant and turned her out from her matrimonial house. Thereafter the father of the girl lodged an F.I.R. u/s 498A, 323 I.P.C. and ¾ D.P. Act. Thereafter, the matter was investigated by the police and chargesheet was submitted before the court below and the learned Magistrate took

the cognizance and summoned the accused u/ 498-A, 323 I.P.C. and ¾ D.P.Act.

Feeling aggrieved by the said order, the present petition has been preferred before this court.

Heard learned counsel for the parties and perused the record.

It was contended on behalf of the applicants that whole of the family members of the applicants had been robbed in the said case and it was also contended that if the applicants had committed cruelty, the F.I.R. would have been lodged immediately. It was further contended that the story as narrated in the F.I.R. itself is not correct and the allegations made in the F.I.R. are concocted. Learned A.G.A. refuted the contention. Perusal of the F.I.R. clearly reveals that the F.I.R. discloses the cognizable offence against the applicants. According to the Investigating Officer there is sufficient evidence agasint the present applicants. Learned counsel for the applicants could not show me that there is no evidence against the present applicants for the offence alleged against them. It was pointed out that the entire case is concocted and false one. This court has a limited jurisdiction while sitting to decide the petition u/s 482 Cr.P.C. This court cannot sit as a trial court and cannot adjudicate and evaluate the evidence against the present applicants. There is sufficient evidence to hold that the cognizance order is not bad in law.

In view of the foregoing discussion, I am of the view that the petition devoid of merit is liable to be dismissed and is dismissed accordingly.

All applications pending in this case are stand disposed of in terms of the judgment.

(J.C.S.Rawat, J.)

23rd May, 2006
Shiv